

CHAPTER NO. 701

HOUSE BILL NO. 1004

By Representative Clem

Substituted for: Senate Bill No. 1042

By Senator Fowler

AN ACT to amend Tennessee Code Annotated, Title 29, relative to settlements on behalf of minors.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 34, Part 1, is amended by adding the following as a new, appropriately designated section:

29-34-105. (a) Notwithstanding any other law or rule to the contrary, a judge or chancellor may sign an order approving any tort claim settlement involving a minor that is less than ten thousand dollars (\$10,000) by relying on affidavits from the legal guardian. The court shall conduct a chambers hearing at which the minor and legal guardian are present to approve any tort claim settlement involving a minor that is ten thousand dollars (\$10,000) or more.

(b) Such affidavit as described in subsection (a) shall contain the following:

(1) Description of the tort;

(2) Description of the injuries to the minor involved;

(3) Statement that the affiant is the legal guardian;

(4) Amount of the settlement;

(5) Statement that it is in the best interest of the minor to settle the claim in the approved amount; and

(6) Statement of what the legal guardian intends to do with the settlement proceeds until the minor reaches the age of eighteen (18).

(c) The provisions of this section shall not apply to structured settlements.

(d) In the order approving any tort claim settlement authorized by this act, the court shall have the discretion to determine whether the settlement proceeds are to be paid to the minor's legal guardian or held in trust by the court until the appropriate time.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 6, 2004



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 2004



PHIL BREDESEN, GOVERNOR